UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,487	03/01/2002	Shoji Kurakake	10745/16	3018

7590 09/07/2005	**EXAMINER**
Brinks Hofer Gilson & Lione	DAFTUAR, SAKET K

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Chicago, IL 60610

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/087,487	KURAKAKE, SHOJI
Office Action Summary	Examiner	Art Unit	
	Saket K. Daftuar	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _17 August 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed on August 17th, 2005.

Claims 1-14 are further presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by

Pitkin et al., U.S. Patent 5,341, 477 (hereinafter, Pitkin).

        As per claim 1, Pitkin discloses a resource-mediating server

coupled with a communication network and configured to manage

information about available resources on the communication network

which are necessary for execution of a task [Column 1, Lines 51-54]; and

a communication device configured for communication with the network

and for executing a task using necessary resources accessed over the

network, task execution being adapted in response to the information

about available resources [network client, Column 1, Lines 43-45], the

communication device including a service quality requesting device to

notify the resource-mediating server of a preferred level of task service quality for the necessary resources (see column 10, lines 47-52, examiner considers Pitkin briefly discloses that the broker mechanism efficiently operates to receive client request and suggest servers as notifying resource-mediating server of a preferred level of task service quality for the necessary resources) .

As per claim 2, Pitkin discloses an agent processor [client] coupled with the communication network and configured to receive from the communication device over the communication network control code for operating the agent processor for execution of a portion of the task [an agent processor client is connected to "server", Column 1, Lines 51-54].

As per claim 3, Pitkin discloses a resource requesting device which originates a request for resources for communication to the resource-mediating server [client has a wide range of resources available to supply requested service, Column 1 Lines 43-45].

As per claim 4, Pitkin discloses the resource requesting device includes a list of necessary resources with the request for resources [client capacity to use resources accessible through the network, Column 1 Lines 43-45].

As per claim 5, Pitkin discloses a classifying device configured to classifies the task according to list of necessary resources [modeling process that occurs in the development of the network policy to be implemented by the broker mechanism for each service, Column 5, Lines 19-22].

As per claim 6, Pitkin discloses service quality requesting device operates on conjunction with the resource requesting device is configured to include a requested service quality level based on the preferred level of task service quality in the request for services [service quality levels are network name and network policy. Network which shows server the best available network policy is going to recognized by network services name, Column 1 Line48 and Column 4, Lines 53-55].

As per claim 7, claim 7 falls under same limitation of claim 2. Therefore, claim 7 have been rejected under same rationale.

As per claim 8, Pitkin discloses the communication device is configured to include a requested service quality level [overall network policy, Column 2 Lines 62-68] based on the preferred level of task service quality in the request for services and receive a service quality level offered by the agent processor in response to the requested service

quality level, the communication device further being configured to adapt the control code according to the service quality level.

As per claim 9, Pitkin discloses a device which collects resource information [collecting a local policy for each server, Column 11, Lines 67-68; The Repository is necessary to store the network policy, Column 6, lines 27-28]; a request receiving device that receives a request from the communication device to use resources necessary for the communication device to execute a communication task [Server to deliver each of the plurality of services to said client, Column 12, Lines 4-5]; a receiving device configured to receive from the communication device information defining a preferred level of service quality for the communication task [Column 12, Lines 14-24]; a device which produces combinations of necessary resources satisfying the request to use resources and the preferred level of service quality; [Column 12, Lines 14-19]; and a notifying device configured to provide a notification of the combinations of necessary resources to the communication device. [One known type of broker operates by assigning an entire server to a client irrespective of the capacity needed by the client, Column 2 Lines 23-24].

As per claim 10, Pitkin discloses a sorting device which sorts the combinations of necessary resources according to the service quality levels for the resources and the preferred level of service quality [Fig.2,

once local network policies have been determined for the entire network, it is stored in the distributed repository (Column 5, Lines 53-57)].

As per claim 11, Pitkin discloses an informing device which notifies the resource mediating server of a request to use distributed resources of the communication network before execution of a task requiring the distributed resources [One known type of broker operates by assigning an entire server to a client irrespective of the capacity needed by the client, Column 2 Lines 23-24]; a service quality requesting device to notify the resource-mediating server of a preferred level of task service quality for the necessary resources(see column 10, lines 47-52, examiner considers Pitkin briefly discloses that the broker mechanism efficiently operates to receive client request and suggest servers as notifying resource-mediating server of a preferred level of task service quality for the necessary resources); a receiving device which receives from the resource-mediating server an indication of reserved resources [Scan weight value parameter executes the number of client request which can be satisfied by a server before that server is removed, Column 3, Lines 33-35 and determine the current usage of the server relative to the established local policy, Column 6, lines 5-7]; a second informing device which notifies the resource mediating server of one of a confirmation and a cancellation of reserved resources defined by the indication of reserved resources [One known type of broker operates by assigning an entire server to a client

irrespective of the capacity needed by the client, Column 2 Lines 23-24];

and a device for executing the task using the distributed resources based

on the indication of reserved resources [broker suggestion, Column 2,

Lines 45-47 and Enforcing servers local policy on requesting client,

Column 6, lines 7-9].

As per claim 12, Pitkin discloses a device which stores resource

information [collecting a local policy for each server, Column 11, Lines 67-

68; The Repository is necessary to store the network policy, Column 6,

lines 27-28]; a request receiving device that receives a request from the

communication device to use necessary resources for execution of the

task by the communication device [Server to deliver each of the plurality of

services to said client, Column 12, Lines 4-5]; a quality request receiving

device that receives information about a preferred level of service from the

communication device [Column 12, Lines 14-24]; a classifying device

which classifies the task according to task category; [modeling process

that occurs in the development of the network policy to be implemented by

the broker mechanism for each service, Column 5, Lines 19-22]. a device

which produces based on the classification of the task, combinations of

necessary resources; a device which produces measures of service

quality associated with the combinations of necessary resources; [Column

12, Lines 14-19]; a sorting device which sorts the combinations of

necessary resources based on the measures of service quality and the

preferred level of service [Fig.2, once local network policies have been determined for the entire network, it is stored in the distributed repository (Column 5, Lines 53-57)]. a reserving device which reserves resources for use by the communication device executing the task; [broker suggestion, Column 2, Lines 45-47 and Enforcing servers local policy on requesting client, Column 6, lines 7-9]; an informing device which notifies the communication device of the reserved resources [One known type of broker operates by assigning an entire server to a client irrespective of the capacity needed by the client, Column 2 Lines 23-24]; a reservation receiving device which receives one of a reservation confirmation or cancellation from the communication device. [Scan weight value parameter executes the number of client request which can be satisfied by a server before that server is removed, Column 3, Lines 33-35 and determine the current usage of the server relative to the established local policy, Column 6, lines 5-7].

As per claim 13, Pitkin disclose requesting use of distributed resources to execute a task [Suggesting a server to requesting client based on the collection of local server policies, Column 6, lines 10-12]; requesting a preferred level of service for use of the distributed resources [Broker to operate when there is a network policy for a given service for requesting client, Column 6 lines 3-5]; receiving an indication of reserved resources [To determine the current usage of the server relative to the

established local policy, Column 6, lines 5-7]; and executing the task using the resources of the distributed resources according to the reserved resources [Enforcing servers local policy on requesting client, Column 6, lines 7-9].

As per claim 14, Pitkin discloses transferring information to a reserved resource for task execution by the reserved resource [Repository to store network policy to compare current server capacity, Column 6 lines 23-30].

Response to Arguments

4.   Applicant's arguments filed on August 17th, 2005 have been fully considered but they are not persuasive.

As per arguments filed on August 17th, 2005, the applicants' argue in substance that:

a.   Pitkin fails to disclose the claimed feature of "notifying the resource-mediating server of a preferred level of task service quality for the necessary resources," and "receiving information about a preferred level of service from the communication device."

In response to applicant amended argument a), Pitkin teaches notifying resource-mediating server of a preferred level of task service quality for the necessary resources and "receiving information about a preferred level of service

from the communication device" (see column 10, lines 47-52, examiner considers Pitkin briefly discloses that the broker mechanism efficiently operates to receive client request and suggest servers as notifying resource-mediating server of a preferred level of task service quality for the necessary resources and receiving information about a preferred level of service from the communication device).

      b.   Pitkin fails to disclose requesting a preferred level of service at a communication device or receiving such a request at a broker or other server.

In response to applicant amended argument b), Pitkin inherently teaches requesting a preferred level of service at a communication device or receiving such a request at a broker or other server (see column 10-11, lines 47-67 and 1-14 respectively, examiner considers Pitkin briefly discloses that clients accessing the server directly using its capacity may result in failure of the hardware or line damage. The client capacity may not be appropriate to use service directly from the server and thus, the capacity (service quality) needed to adjust according to the server. Examiner consider, in operation, upon receiving a client request, the broker again check the entry in the preview window and once the broker finds an entry having the available capacity (preferred service), it suggest that entry along with next entry to the servers inherently teaches requesting a preferred level of service at a communication device or receiving such a request at a broker or other server).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension

of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Saket K. Daftuar** whose telephone number is

571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, **Zarni Maung** can be reached on **571-272-3939**. The fax

phone number for the organization where this application or proceeding is

assigned is **571-273-8300**

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

SKD
September 1, 2005

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER